



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

OFFICE OF
THE REGIONAL ADMINISTRATOR

Ms. Jessie Hill Roberson
Assistant Secretary for
Environmental Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Ms. Roberson:

Re: Weldon Spring Site Proposed Federal Facility Agreement

As a follow-up to the suggestion you made during our staff's discussion with you at the August 27 Department of Energy (DOE) Sustainable Solutions Workshop, we are providing you with a joint position on how to achieve finalization of a new agreement for the Weldon Spring Site. We are confident that with your assistance we can bring this to resolution.

As you know, our agencies are in the process of negotiating a new three party Federal Facility Agreement (FFA) designed to govern long-term stewardship activities at the Weldon Spring Site. Last June the Environmental Protection Agency (EPA) provided a proposed new FFA to DOE and the state of Missouri for review and comment. By letter dated August 18, 2003, the state provided comments on the proposed FFA to the EPA and the DOE. We have not yet received comments from the DOE on our June proposal or a response from the DOE to the state's August 18 comments.

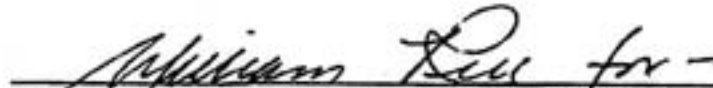
One of the state's main concerns with the June proposal was that both the remedial design and implementation of the final groundwater remedy and development of the long-term stewardship planning document would be completed outside the scope of the new FFA. In its comments, the state requested that both the Groundwater Operable Unit Remedial Design/ Remedial Action (RD/RA) planning and implementation and the long-term stewardship plan development process be incorporated into the new FFA. While this approach differs somewhat from the EPA's initial proposal, we think this approach is consistent with the expectation that the state would have an integral role to play in these processes.

Over the past couple of days, we have had the opportunity to work with the state on revisions to the EPA's June proposal that would address the state's concerns. The enclosed version of the proposed new FFA incorporates agreed upon changes, including making the Groundwater Operable Unit RD/RA Work Plan and the Long-Term Surveillance and


Maintenance Plan deliverables under the new FFA. These changes give the state much greater assurance of its role in developing critical, remedy defining documents. With this greater assurance, the state would be prepared to concur with a remedial action consistent with the recommended alternative presented in Groundwater Operable Unit Proposed Plan.

The enclosed version of the FFA is essentially in a form that both the EPA and the state would be comfortable signing. We have also enclosed a redlined version highlighting the changes made to the June proposal. As such, we are hopeful that any revisions necessary to address the DOE's comments can be made in the next few days such that the new FFA could be ready for signature by the parties by the end of this month. Should this approach be acceptable to you, the state will provide, upon request from the DOE, a letter of concurrence on the Groundwater ROD.

We look forward to discussing this approach with you in a conference call which is being scheduled for the near future.


James B. Gulliford, Regional Administrator, EPA, Region 7

Sept 15, 2003
Date


Stephen A. Mahfood, Director, MDNR

9/15/03
Date